

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**DEFENDANT AT&T MOBILITY LLC'S  
MOTION TO DISMISS PURSUANT TO  
RULE 12(b)(6), 12(b)(1) AND 9(b)**

Defendant AT&T Mobility LLC ("AT&T") respectfully moves this Court to dismiss Plaintiff Jason Williams' Complaint (Dkt. 2) pursuant to Federal Rules of Civil Procedure 12(b)(6), 12(b)(1) and 9(b) for failure to state a claim upon which relief may be granted, failure to establish Article III standing, and failure to satisfy the particularity requirement for fraud-based claims. The grounds for this motion are set forth in the AT&T's contemporaneously filed Memorandum of Law in support of this Motion to Dismiss, which is referred to and fully incorporated herein by reference.

WHEREFORE, AT&T respectfully requests that this Court dismiss Plaintiff's Complaint, with prejudice, and grant AT&T such other and further relief as the Court deems just and proper.

Respectfully submitted this the 20<sup>th</sup> day of December, 2019.

KILPATRICK TOWNSEND & STOCKTON LLP

/s/ Joseph S. Dowdy

Joseph S. Dowdy (N.C. State Bar No. 31941)

4208 Six Forks Road, Suite 1400

Raleigh, NC 27609

Telephone: (919) 420-1718

Facsimile: (919) 510-6120

Email: jdowdy@kilpatricktownsend.com

*Counsel for Defendant AT&T Mobility LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

**SHUMAKER LOOP & KENDRICK LLP**

Terence S. Reynolds  
treynolds@shumaker.com  
Lucas D. Garber  
lgarber@shumaker.com  
101 South Tyron Street  
Suite 2200  
Charlotte, North Carolina 28280  
Local Civil Rule 83.1(d) Counsel for  
Plaintiff Jason Williams

**PIERCE BAINBRIDGE BECK PRICE  
& HECHT LLP**

Christopher LaVigne  
clavigne@piercebainbridge.com  
Dwayne Sam  
dsam@piercebainbridge.com  
Sarah Baugh  
sbaugh@piercebainbridge.com  
Thomas Popejoy  
tlpopejoy@piercebainbridge.com  
277 Park Avenue, 45th Floor  
New York, NY 10172  
Counsel for Plaintiff Jason Williams

This the 20<sup>th</sup> day of December, 2019.

/s/ Joseph S. Dowdy.

Joseph S. Dowdy